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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,240	07/18/2003	Thomas Lynn Ferguson	139090	2846
24587	7590	05/19/2005	EXAMINER	
ALCATEL USA INTELLECTUAL PROPERTY DEPARTMENT 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,240

Applicant(s)

FERGUSON ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Clermont et al (5,828,729).

Consider claims 1, 16. Clermont teaches a method and an apparatus for facilitating amelioration of network congestion caused by a mass call event, comprising a mass call event detector (column(s) 3, line(s) 64 to column(s) 4, line(s) 62; fig(s). 1a-3c, column(s) 6, line(s) 26 to column(s) 10, line(s) 2; column(s) 10, line(s) 3 column(s) 11, line(s) 3); a notifier coupled to the mass call event detector to receive indication of detection of occurrence of the mass call event, the notifier for notifying the network elements of the mass call event, automatically and free of manual interaction (column(s) 3, line(s) 64 to column(s) 4, line(s) 62; column(s) 7, line(s) 57-67; column(s) 10, line(s) 2 to column(s) 11, line(s) 3; column(s) 11, line(s) 4-15).

Consider claim 4. Clermont further discloses in column(s) 4, line(s) 1-56 the limitations of this claim.

Consider claims 6-7. Clermont further teaches that the indication of the selected attempts is beyond a selected threshold (column(s) 4, line(s) 37-41).

Consider claim 8. Clermont inherently teaches prior to the operation of detecting, selecting the selected threshold (column(s) 4, line(s) 37-41).

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Consider claim 9. Clermont further teaches computing a count for each directory number (column(s) 4, line(s) 59-62) that reads on the derived values.

Consider claim 10. Clermont further teaches the limitations of this claim in (column(s) 10, line(s) 33-58).

Consider claims 11-13. Clermont further discloses in column(s) 4, line(s) 1-56 the limitations of this claim.

Consider claims 14-15. Clermont further teaches maintaining a count of call attempts within a predetermined interval (column(s) 4, line(s) 37-41, line(s) 59-62) that reads on the limitations of these claims.

Consider claim 17. Clermont further discloses in column(s) 4, line(s) 1-56 the limitations of this claim.

Consider claim 18. Clermont further teaches that the indications of the selected attempts are beyond a selected threshold (column(s) 4, line(s) 37-41).

Consider claim 19. Clermont inherently teaches prior to the operation of detecting, selecting the selected threshold (column(s) 4, line(s) 37-41).

Consider claim 20. Clermont further teaches computing a count for each directory number (column(s) 4, line(s) 59-62) that reads on the derived values.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clermont et al (5,828,729) in view of Brockman et al (5,592,530).

Consider claims 2-3, 5. Clermont does not clearly teach that the network comprises an STP and wherein the mass call event detector and notifier are embodied at the STP.

Brockman teaches that the network comprises an STP and wherein the mass call event detector and notifier are embodied at the STP (column(s) 3, line(s) 4-34) for the purposes of mass call onset detection (column(s) 3, line(s) 4-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Brockman into the teachings of Clermont for the purposes mentioned above.


### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

5/13/05